

IMPORTANT CASE TO BE TRIED NEXT WEEK

Liability of Railroads for De-
struction of Registered
Mail to Be Settled.

INTEREST WIDESPREAD
Suit Result of Wreck on U.
P. in Wyoming in De-
cember, 1905.

What is considered by Hiram E. Booth, United States district attorney for Utah, as one of the most important railroad cases that has come up in recent years, and one which will be watched with interest by lawyers and railroad officials all over the country, will be started Monday in the federal district court before Judge John A. Marshall. The suit is that of the United States against the Union Pacific company for recovery of \$12,395.59, which the government claims is the value of registered mail and mail equipment destroyed in a wreck on the Union Pacific line in December, 1905.

One of the principal defenses of the railroad company, which will be represented by P. L. Williams and George H. Smith, as set forth in their answer to the complaint, is that the statute of limitations has expired. Following the wreck the government fined the road \$3000 for destruction of mail. This, the defendant claims, will prevent the United States from recovering the amount of the loss.

Important Questions.
Some of the most important questions involved, none of them having been settled finally before, are:
Is the statute of limitations effective against the United States?
Is a railroad company liable for negligence of its agents or employees?
Is the government a bailee of lost mail, and can it recover its value even though no suit has been brought against it by the bailors or persons who registered the mail?
Is a fine exacted for destruction of mail a bar to the right to recover the value of that mail?

The government's contention in the case will be that the statute of limitations is not operative against the United States; that a railroad company is liable for its employees' negligence; that the government is a bailee of the mail, and that the fine was no bar to recovery of the value of the mail.

On the other hand, the company will base its chief defense on the fact that the postoffice department exacted a fine and that the wreck resulted from negligence of subordinate employees. It will also claim that the statute of limitations has expired.

Cause of Wreck.
The wreck in which the mail was destroyed and several lives were lost occurred on the Union Pacific between Ab and Wilkins, Wyo., in December, 1905. Three sections of a passenger train were scheduled to pass a freight, and when only two had passed the freight crew took the train out on the main line, evidently thinking that the three sections had passed. The wreck was the result.

The government will also contend that the right of the United States to recover value of the mail is not affected by the fact that the railway company was not given notice of the mail's value.

On record, according to Attorney Booth, was a recent decision in North Carolina, in which the district court decided against the government in the case of the United States against the Atlantic Coast Line Railway company. This suit is now before the circuit court of appeals, briefs having been filed in the Fourth circuit.

WOULD SET LIMIT
ON TAXICAB FARES
Mayor Park Heeds Complaints of
Tourists and Requests a New
Ordinance.

An ordinance regulating the rates of taxicabs, transfer and other companies in Salt Lake is to be drafted as a result of complaints made to Mayor Samuel C. Park, recently, by persons who declare they have been charged exorbitant rates by taxicab drivers.

The latest complaint came yesterday morning from Phil R. Bekhart of San Francisco, a guest at the Hotel Utah. Mr. Bekhart wrote the mayor that for a ride of two and a half blocks he was charged \$2.50 and that he was forced to pay \$2.50.

He suggests that such rates are outrageous and will do the city's reputation great harm if they are allowed to continue without some restriction by the city government. Other persons who have been charged exorbitant rates by taxicab drivers.

Following the arrival of Mr. Bekhart's letter the mayor sent the city attorney asking that steps be taken to have an ordinance drafted bearing on the subject. He will introduce such an ordinance as soon as the necessary date has been gathered from other cities where such ordinances are in operation.

PREPARE TO EXTEND
CITY'S BOULEVARD
Surveyors Ready to Carry Highway
Work Forward Without
Delay.

A force of surveyors from the city engineering department will take the field today to survey a roadway from North Mill Creek canyon in Davis county to the state highway near Bountiful, a distance of six miles. This is a part of the proposed boulevard system along the level of the old lake shore line around Ensign peak from City Creek canyon to the Davis county line.

The city plans to build the boulevard to the Davis county line and from there it is believed the road will be continued by a combination of interests to the mouth of North Mill Creek and thence again to the state highway leading north and south. It is also hoped by those behind the movement to continue the road eventually over the mountains to Morgan, in the valley of the Weber river.

"GOING SOME" COE'S WHEELS PRESENTLY MELANCHOLY MOSE AND HIS PARTNER TAKE IN THE BIG PERFORMANCE AT THE SALT LAKE "OP'RY HOUSE," AND STRONGLY RECOMMEND IT.

By JOHNNY BURKE.
HEN Melancholy Mose and his partner take in the big performance at the Salt Lake "Op'ry House," and strongly recommend it.

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SOME "TUB" MARBLE TO GO TO GEORGIA

Commission Apportions Con-
tracts Between Home Com-
pany and Georgia Firm.

Maintaining its stand that the state could not afford to give the entire marble contract for the interior of the new capitol to the Birdseye Marble company, in spite of the numerous petitions asking for Utah stone, the capitol commission yesterday adopted a resolution calling upon James Stewart & Co., capitol contractors to give the corridor, monolithic columns and lavatory contracts to the Blue Ridge Marble company of Georgia. The Birdseye Marble company was given all the remaining contracts with the exception of the five vestibules, for a total price of \$40,000.

The price to be paid for the Georgia marble is \$135,127. It had not been planned to give the lavatory contract to the Georgia company, but as to bid was \$4500 compared to \$11,242 submitted by the local company, the former company was given the work. This brings the grand total for marble to \$235,927. The commission only has about \$200,000 to pay for these contracts, but in there are a number of donations, totaling about \$20,000 to come out of the contractor's price, the amount will be easily met, say the contractors.

The contracts awarded the Birdseye Marble company which will furnish Utah marble, follow:
Superior room \$ 6,000
House of Representatives 15,000
Senate chamber 14,720
State reception room 4,500

The commission specified that the state chamber should be white travertine, which is not marble but a beautiful stone. The marble in the corridors will be light gray while in the south rooms an elegant dark shade will be used.

Present at the meeting were Governor Spry, M. S. Browning, John Dorn, David Mattson and Attorney General Albert R. Barnes.

NARROW ESCAPE WHEN
BUILDING COLLAPSES
Weight of Fifteen Carloads of Grain
Proves Too Much for Structure
on West Side.

Four men had narrow escapes and considerable damage was done at 2:30 o'clock yesterday afternoon, when a warehouse belonging to J. J. Sumner & Sons company at 503 South Third West street, collapsed. Walls fell out on two sides of the building and the roof fell in, the wreck apparently being caused by the weight of fifteen carloads of barley and oats, which had been piled up in the building.

The elevator is an old building and used by the Summerhays company for emergency. The grain in it when it collapsed yesterday belonged to the W. O. Kay Elevator company, by which the building was rented. The grain will amount to somewhere between \$500 and \$1000, most of the damage being to the building. Extra men have been employed and they will work night and day until the grain is safely stored in another building.

SHORT WEIGHT HAY
LOADING IS FOUND
City and State Sealers of Weights
and Measures Make In-
spection.

That every little bit helps, especially when it comes to weighing loose hay, appears to be the general opinion among hay growers of the Salt Lake environs, was the opinion of the city and state sealers of weights and measures at the close yesterday of their inspection of the hay scales in the city.

Mr. Irvine asserts that persons who buy hay usually get from 250 to 350 pounds less on each load than they are entitled to. Yesterday afternoon a man was seen by the state inspector weighing a load of potatoes with two men on the wagon. When he returned to the empty wagon it only contained one man. The inspector insisted that the second man be weighed also and that the man weighing the potatoes be weighed just around the corner.

Short weights in coal, flour and bran were also found. The findings made to Willard Hansen, state dairy and food commissioner. The inspectors refuse to make any report until the coal scales are fixed. They say their investigation is not yet finished. On behalf of the grocers and others in local business, the coal scale fixer, who is at least 95 per cent of these men are on the square.

TWO BOUND OVER
TO DISTRICT COURT
James T. Harris, arrested Monday night by E. L. Howerton of the Commercial Guard and Safety association for the alleged stealing of a quantity of gold and copper from the Consolidated Mercantile Gold Mining company, pleaded guilty to the charge when he was arraigned before Justice of the Peace F. M. Bishop yesterday. Harris was held to answer to the charge to the district court. His bail was fixed at \$1000. It was not furnished.

Gus Cheros, charged with assault with a deadly weapon, was also held to answer to the district court by Justice of the Peace Bishop. His bail, which was fixed at \$1000, was furnished.

The case of the state of Utah against "Chick" Anderson, "Eddie" Arubuckle and Ralph Woolley, charged with robbery of the Salt Lake City City depot, was being visited here, was started yesterday in the court of Justice Bishop. Several witnesses were heard for the prosecution yesterday and the case was adjourned to 2 o'clock Friday afternoon.

Gives Christmas Ideas.
The publication of a monthly leaflet of suggestions for Christmas has been started by the extension division of the Utah Agricultural college. The first issue is entitled "Desirable Christmas Gifts" and that the city for interest yesterday the undertaking firm of E. G. O'Donnell & Co.

Body Sent East.
In compliance with instructions received from relatives in Cleveland, Ohio, the body of Dr. Samuel L. Thorpe, who died in Salt Lake City Sunday, was sent today to the city for interment yesterday the undertaking firm of E. G. O'Donnell & Co.

INITIAL UTAH PRODUCTS DAY IS PROUDLY A SUCCESS Sale and Use of Goods Grown and Manufactured in the State is Given Conspicuous Impetus.

THE first observance of "Utah Products day" will be set down in the annals of the state as having been attended with much success and enthusiasm. Throughout the state Utah-made goods and Utah products were conspicuous in every household, hotel, restaurant, and cafe. From all sides was heard the call for home-produced necessities, and never before have the resources and manufacturers of the state received such extensive and consistent publicity.

Salt Lake's main celebration for the occasion took place at the Commercial club at a luncheon which was attended by nearly 500 persons directly interested in the produce and manufactured output of the state. Utah articles for the table and Utah foods were exclusively served. For the celebration Lon J. Haddock, in charge of the extension division of the Agricultural college at Logan, was asked to make an address. He did not talk long, but said that he was deeply interested in the opportunities which are before Utah to rank it with the greatest states in the union for natural wealth and production.

Benefit of Co-operation.
The subject of Mr. Haddock's address was "The Specific Benefit of Co-operation of the Entire Citizenship of the State." He said in part:

The resources and the production of the state of Utah are as yet in their infancy, considering the many years of development they have reached extensive proportions. The produce and manufactured articles of the state have already taken a strong foothold in the business of the west. But the wonderful abundance of the state's natural resources in the state for the last ten years bespeaks the enormous possibilities for a wealthy state in the future.

The immediate possibilities are great. Utah is advancing as fast as any other state in the union and its vast undeveloped regions to take prominence among other states. Utah citizens of the state are working to make this one of the greatest states in the union and to make the people of the state co-operate in the welfare of the state can never hope to be accomplished.

Blessed With Resources.
Utah is blessed with many of the richest natural assets in the world in almost inexhaustible quantities. The capital of Utahans should be invested in these wonderful opportunities and quickly turn them into the raw products of the state shipped east for preparation and having them come back bearing in various forms the labels of eastern manufacturers.

To the end of procuring co-operation with all the state's future, occasions and celebrations of the nature of "Utah Products Day" are of an unusual benefit. From the complete success which it is evident is sure to result from the observance, it is plain that the citizens are willing to co-operate in the work for the mutual uplift of Utah. "Utah Products Day" has done much to acquaint the people with the actual products of the state. Celebration of this sort will tend eventually to bring nation-wide recognition to the state.

Mrs. Gorham in Charge.
Mrs. A. J. Gorham, president of the State Federation of Women's clubs, has taken an important part in the essay contest for which students of the eighth grade and of the high schools of the state have been asked to prepare an essay on "Utah Products Day." The essays were due yesterday. The essays were judged by the state committee. They will write on "Utah Products Day" and cash prizes will be given to the winners. The two best essays from the eighth grade and the high schools.

In speaking of "Utah Products Day" and the benefit it should be to the state yesterday, Mrs. Gorham said:

Since the initial plans to have a "Utah Products Day" were launched, almost everyone in the state and nation has been interested in the state and nation.

TEACHERS WILL HOLD
MEETING AT MIDVALE
Instructors of Murray, Jordan and
Granite Districts to Meet in An-
nual Convention Saturday.

Teachers of the Jordan, Murray and Granite school districts will convene Saturday at Midvale. The principal address of the day will be delivered by J. C. Muernman of Washington, D. C. Mr. Muernman has been a visitor in Salt Lake for the past two weeks and has delivered a number of lectures on education. The topic of his address will be "Education for Efficiency."

In the forenoon music will be furnished by students from the Murray and Granite districts and a lecture on "Live Languages" will be given by Professor H. R. Driggs of the University of Utah.

The first number on the afternoon program will be a lecture by Mrs. Tolstolper on "Art in the Public School," which will be followed by Mr. Muernman's address on "Education for Efficiency." Music furnished by the Jordan school district, preceded by a solo by Miss O. Neal of Salt Lake, will conclude the program.

The convention was an annual affair and was held in Murray last year. The Granite district will try to secure the next year's meeting.

FIREMAN VICTIM OF
PECULIAR ACCIDENT
Charles Smith, a lieutenant and a veteran of the Salt Lake City fire department, was painfully injured yesterday when he was caught by a rope with which he was being hoisted in the drying tower at the city headquarters. He was caught between the knees and hurled to the ground and then hoisted nearly to the roof of the building before the engine could be stopped. His head and face were cut and badly bruised.

Smith was taken to the emergency hospital at police headquarters, where his injuries were attended by Dr. W. W. Ashley, after which he was taken to his home, 1255 Eleventh East street, in Chief Bywater's automobile.

One Train a Week.
Announcement was made yesterday by the Salt Lake Road that weekly service on the Moapa branch which runs between Moapa and St. George will be started today. The line is twenty-two miles long. The train will be a mixed one, carrying both passengers and freight.

Woman Wins in Suit
Against Physician
By default, Mrs. Pearl Schultz was given a judgment of \$3000 against Dr. William H. Horgan in the district court yesterday. She sought \$5000 for alleged criminal negligence on the doctor's part in treating her. She charged that she was inoculated with disease because of the failure of the defendant to properly sterilize his surgical instruments.

ANGRY WOMEN WANT THEIR MONEY

County Attorney's Office
Scene of Militant Attack
Tailoring Firm.

MANY MAKE COMPLAINTS
Agent of Concern Hides
hind Lawyer During Te-
ble Onslaught.

Twenty angry women took the of the county attorney by storm yesterday noon, and for nearly two militant suffragists became a militant thing compared to the indignant made complaints against the Spitz Tailoring company, 67 West 8 South street.

Upon recovering his breath, his composure County Attorney Willey announced that a complaint would be issued against the men and agents of the company, though attorney had not figured out last just what charge will best fit the case.

For several weeks the county attorney has been receiving complaints from women in all parts of the city against the same tailoring company. He invited a conference of these women also invited and saw the Spitzberg company to be present.

All Talk at Once.
The women, of all degrees of age and age, arrived just at noon. Ed Ford, agent for the company, accompanied by his attorney, Allen Sanford, arrived a little later. Ford entered and saw the group of women he instinctively sought shelter of a corner, seeing to it the attorney took a seat between him and the women. The county attorney in the position of referee.

"Very well, ladies, tell us about it," he began, but got no further. Women began talking at once, and was finally restored and the county attorney begged, "One at a time."

But the women had selected chairman, and after an interval, hence they again broke forth with their complaints against the tailoring company. Ford crouched his corner and opened his mouth at all.

It was finally gleaned by the attorney that the women had joined clubs organized by the tailoring practice, and had paid \$1 a week with understanding that there was a drawing each week, at which winner was to get a modish suit, might win on her first dollar or it take \$27, according to the representations of the agent. Each woman declared that she had paid the money, and had not received a suit. "My suit was simply dreadful," one little woman. "It fits me tight one side and hangs perfectly loose the other."

The samples they showed us were joined," said another, "were not beautiful, but when we can be fitted for the suit, we were no choice, and had to take inferior material."

Every woman declared that the were not tailor made, as represented, but were mere factory output of cheapest sort.

They insisted me, too, who dared to complain," said one, "told me to shut my mouth and keep my own business."

"No, we didn't," interposed from his corner. A battery of looks was trained in his direction by the group of women.

The county attorney asked for his company was willing to return money to the women who claimed have been swindled.

"Yes, I would like to make a cent of 2 cents to this woman here," he said, pointing to one of the women, "and to her."

"She got her dress for \$11, and insulted me by telling me she was not wear it to a dog fight."

It is exceedingly difficult to tell happened to Ford then, but he dared open his mouth again during conference, in fact so effectively he suppressed that it was with the most difficulty that newspaper after the conference, could extract name from him.

MIZPAH CHAPTER
INSTALLS OFFICERS
The newly-elected officials of the Mizpah chapter of the B. F. O. E. O. were installed last night. Millie Clay Keyes, grand patron, was the installing officer. Rhoda A. Conely acted as grand mistress. The following officers were installed:

Elizabeth W. Snyder, worthy matron; William H. Snyder, worthy patron; L. B. Prosser, associate matron; Stewart, secretary; Levisia C. Treasurer; Estelle V. Collier, conductress; Gertrude Newton, chaplain; Ina L. Marshall; Rowena Korns, organist; Iota Jennings, Adah; Anna A. Lay; Ruth; Hanna B. Fleck; Esther; Emma; Martha; Emma C. Vick; Edna; Susan; warder; L. J. Frederic; sentinel.

The retiring matron, Minnie M. O. Meekes, was presented with a part-matron. The part-matron was made by Edna, Treasurer on behalf of the chapter.

CITY AND VICINITY
A. DRAHOS, local agent of the Cedar Rapids Dispatch, who has been visiting relatives here, will arrive tomorrow morning.

UNDER THE DIRECTION of a committee comprising Miss Della O'Connell, H. Horgan and A. R. Schuster, a party will be given tomorrow evening the Twenty-second ward amusement.